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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/801,464
Filing Date: March 16, 2004
Appellant(s): LITWILLER, DEBORA MARGARET HEJZA

Debora M. H. Litwiller
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/14/2009 appealing from the Office action
mailed 06/11/2009

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,859, 287	FREDERIKSEN	4-2005
20030070139	MARSHALL	4-2003

(9) Grounds of Rejection

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-15 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention *as a whole* must accomplish a practical application. That is, it must produce a “useful, concrete and tangible result. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement.

Claim 7 discloses “a user interface for selecting and setting a variable value feature...” The user interface itself merely software rather than a machine, manufacture, process or composition of matter. As such, it fails to fall within a statutory category. Therefore, claim 7 is rejected because the claimed invention is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederiksen et al (US Patent 6,859,287 Frederiksen hereinafter) in view of Marshall et al (US Publication 20030070139 Marshall hereinafter).

With respect to claim 1,

Frederiksen discloses a method of setting a variable value feature, having a plurality of values associated therewith wherein the plurality of values include a default value (Col. 2 lines 54 and 55) and a plurality of non-default values (Col. 3 lines 29-34), on a user interface, the user interface having user activatable areas (10, Fig. 1 Drawing) enabling a selection and changing (i.e. override) of the variable value (document size selector), (Col. 3 lines 15-18, Frederiksen Claim 14) feature comprising: (a) displaying, on the user interface, a first numeric value (64 Fig. 1 Drawing) associated with a user selected variable value feature (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing). Note: The auto detect selection detects a size/numeric value.

(b) changing (i.e. override) the displayed first numeric value (64, Fig. 1 Drawing) associated with the selected variable value feature (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) by a predetermined numeric amount (i.e. auto detect selection) so as to display a second numeric value (62 Fig. 1 Drawing) associated with the selected variable value feature by a user engaging (i.e. selecting/choosing) a user activatable area of the user interface (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) associated with the selected variable value feature (i.e. choose a desired size, wherein the size represents a numeric value), (Col. 3 lines 15-39) .

(c) determining if an annotated message is associated with the displayed second numeric value (Ledger, 64 Fig. 1 Drawing) associated with the selected variable value feature (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing), the annotated message expressing information (i.e. ledger) equivalent to the displayed second numeric value (52, Fig. 1 Drawing) in a non-numeric form (letter, industry accepted standard value Col. 3 lines 55-62) Note: the annotated message “ledger” represents a size that is in non-numeric form (64, Fig. 1 Drawing).

(d) displaying the annotated message (Ledger, 64 Fig. 1 Drawing) associated (i.e. corresponding) with the selected variable value feature (Col. 3 lines 55-58) along with the displayed second numeric value (64 Fig. 1 Drawing) associated with the selected variable value feature (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) when it is determined that the displayed second numeric value (62, 36 Fig. 1 Drawing) associated with the selected variable value feature (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) has an associated annotation message (i.e. Ledger, 64, Fig. 1 Drawing), Note: Ledger is displayed when a ledger sized document is selected.

Frederiksen does not explicitly disclose (e) displaying no annotated message when it is determined that the displayed second numeric value associated with the selected variable value feature has no associated annotation message (Col. 3 lines 29-39). Note: It is understood by the examiner that displaying no annotated message means no annotated message is displayed when it is determined that the second numeric value has no associated annotated message. Frederiksen discloses two sections: a original section (28, Fig. 1 Drawing) wherein a letter size document can be

selected (Col. 2 lines 60-62) wherein the annotated message "Letter" is shown (64, Fig. 1 Drawing) and a modify section (30 Fig. 1 Drawing) wherein the size of the block is displayed (Col. 3 lines 33 and 34) but does not appear to show an annotated message.

Marshall discloses to notice in the page shown in FIG. 3 is simply how heavily annotated the page is. There is little on the page that doesn't bear the reader's marks. This example also illustrates several stages of processing that must occur to detect the high-value annotations. First, the reader's marking style needs to be characterized. This allows the value of the annotations to be normalized. To normalize the value of the annotations, the frequency of the reader's marks within the context of the document and the page need to be determined and the types of marks the reader is prone to make should be identified. In particular, a determination should be made concerning whether the reader usually underlines, highlights, uses margin bars, writes symbols in the margin, and/or composes extensive marginalia. If a reader normally makes few marks on a document, any highlighted passage is likely to be high-value annotation. Alternatively, if a reader uses a highlighter on most pages, any single instance of highlighting is not apt to be that important. Characterization of style allows weights to be assigned to individual annotations to assess the relative value of these annotations (Par. 0038).

It would have been obvious to one skilled in the art at the time of invention to combine the annotation determination as taught by Marshall with the facsimile numeric/image annotation of Frederiksen to effectively and efficiently display default values and non default values when selecting values.

With respect to claim 2,

Frederiksen discloses a method wherein the selected variable value feature is a magnification function (enlarged, decreased Col. 3 lines 34-39)

Claim 13 is similar in scope to claim 2 and is therefore rejected under similar rationale.

With respect to claim 3,

Frederiksen discloses a method wherein the selected variable value feature is a facsimile transmission function (Col. 3 lines 29-34)

Claim 14 is similar in scope to claim 3 and is therefore rejected under similar rationale.

With respect to claim 4,

Frederiksen discloses a method wherein the selected variable value feature is a contrast function (Col. 3 lines 34-39)

Claim 15 is similar in scope to claim 4 and is therefore rejected under similar rationale.

With respect to claim 5,

Frederiksen discloses a method further comprising: (e) disabling the user activatable area of the user interface associated with the selected variable value feature for a predetermined period of time when it is determined that the displayed second numeric value associated with the selected variable value feature has an associated annotation message so as to allow the user to become aware of the displayed annotated message (Col 3 lines 34-39) Official notice is taken that in software application when a minimum and/or maximum value is reached the activatable area will be disabled causing the area to be inactive, since maximum and minimum values have no further boundaries.

Claim 9 and 17 are similar in scope to claim 5 and are therefore rejected under similar rationale.

With respect to claim 6,

Frederiksen discloses a method further comprising: (e) determining whether the displayed second numeric value (36, Fig. 1 Drawing) associated with the selected variable value feature is a minimum value for the selected variable value feature (54, 56 Fig. 1 Drawing); (f) disabling a user activatable area of the user interface associated selected variable value feature (54,56 Fig. 1 Drawing) that enables the value of the selected variable value feature (54,56 Fig. 1 Drawing) to be decremented when it is determined that the displayed second numeric value associated with the selected variable value feature is a minimum value for the selected variable value feature (i.e. decreased by depressing the reduce button), (Col. 3 lines 34-37); (g) determining whether the displayed second numeric value (36, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) is a maximum value for the selected variable value feature (54, Fig. 1 Drawing); and (h) disabling a user activatable area of the user interface associated selected variable value feature that enables the value of the selected variable value feature to be incremented when it is determined that the displayed second numeric value associated with the selected variable value feature is a maximum value for the selected variable value feature (Col 3 lines 34-39).

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Claim 12, 18, 19, and 20 are similar in scope to claim 6 and are therefore rejected under similar rationale.

With respect to claim 7,

Frederiksen discloses a user interface for selecting and setting a variable value feature, having a plurality of values associated therewith wherein the plurality of values include a default value and a plurality of non-default values, comprising:

a display area to display a first numeric value (Letter, 64 Fig. 1 Drawing) associated with a user selected variable value feature (54,56 Fig. 1 Drawing);

a user activatable area (Fig. 1 Drawing) to change (i.e. override) the displayed first numeric value (Letter 64, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) by a predetermined numeric amount (i.e. auto detect selection) so as to display a second numeric value (Ledger, 64 Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing), (Col. 3 lines 9-19, 29-39);

a memory for storing a number of annotated messages, each annotated message (i.e. letter, 64 Fig. 1 Drawing) being associated (i.e. represents) a numeric value (i.e. size), (Col. 2 lines 60-63) of the user selected variable value feature (54, 56 Fig. 1 Drawing), the annotated message expressing information equivalent to the associated numeric value of the user selected variable value feature in a non-numeric form (Letter, 64, Fig. 1 Drawing); Note: "Letter" is displayed (i.e. non-numeric form) on the interface which represents the size (i.e. numeric value), (Col. 2 lines 60-63) and

a controller to determine if a stored annotated message is associated with the displayed second numeric value (Ledger, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing);

said controller causing said display area to display the annotated message (Ledger 64, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) along with the displayed second numeric value (i.e. size, 64 Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) when it is determined the displayed second numeric value (Ledger 64, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) has an associated annotation message (Ledger 64, Fig. 1 Drawing); Note: Ledger is displayed on the interface which represents the size (i.e. numeric value).

Frederiksen does not explicitly disclose (e) displaying no annotated message when it is determined that the displayed second numeric value associated with the selected variable value feature has no associated annotation message (Col. 3 lines 29-39). Note: It is understood by the examiner that displaying no annotated message means no annotated message is displayed when it is determined that the second numeric value has no associated annotated message. Frederiksen discloses two sections: a original section (28, Fig. 1 Drawing) wherein a letter size document can be selected (Col. 2 lines 60-62) wherein the annotated message "Letter" is shown (64, Fig. 1 Drawing) and a modify section (30 Fig. 1 Drawing) wherein the size of the block is displayed (Col. 3 lines 33 and 34) but does not appear to show an annotated message.

Marshall discloses to notice in the page shown in FIG. 3 is simply how heavily annotated the page is. There is little on the page that doesn't bear the reader's marks. This example also illustrates several stages of processing that must occur to detect the high-value annotations. First, the reader's marking style needs to be characterized. This allows the value of the annotations to be normalized. To normalize the value of the annotations, the frequency of the reader's marks within the context of the document and the page need to be determined and the types of marks the reader is prone to make should be identified. In particular, a determination should be made concerning whether the reader usually underlines, highlights, uses margin bars, writes symbols in the margin, and/or composes extensive marginalia. If a reader normally makes few marks on a document, any highlighted passage is likely to be high-value annotation. Alternatively, if a reader uses a highlighter on most pages, any single instance of highlighting is not apt to be that important. Characterization of style allows weights to be assigned to individual annotations to assess the relative value of these annotations (Par. 0038).

It would have been obvious to one skilled in the art at the time of invention to combine the annotation determination as taught by Marshall with the facsimile numeric/image annotation of Frederiksen to effectively and efficiently display default values and non default values when selecting values.

With respect to claim 8,

Frederiksen discloses a user interface wherein said user activatable area includes an up user activatable area to increment the displayed first numeric value associated with the selected variable value feature by a predetermined numeric amount (54/Fig. 1 Drawing) and a down user activatable area to decrement the displayed first numeric value associated with the selected variable value feature by a predetermined numeric amount (56/Fig. 1 Drawing)

With respect to claim 10,

Frederiksen discloses a user interface wherein said up user activatable area is a first push button (54/Fig. 1 Drawing) and said down user activatable area is a second push button (56/Fig. 1 Drawing)

With respect to claim 11,

Frederiksen discloses a user interface as claimed in claim 8, wherein said up user activatable area (54/Fig. 1 Drawing) is a first area on a touch screen and said down user activatable area (56/Fig. 1 Drawing) is a second area on a touch screen (touch screen/graphical icon system 10 Fig 1. Drawing).

Regarding claim 16,

Frederiksen discloses a method of setting a variable value feature, having a plurality of values associated therewith wherein the plurality of values include a default value and a plurality of non-default values (Col. 2 lines 54 and 55), on a user interface, the user interface having user activatable areas (10/Fig. 1) enabling a selection and changing of the variable value feature (document size selector), (Col. 3 lines 15-18,

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Frederiksen Claim 14) comprising: (a) displaying, on the user interface, a first numeric value (64 Fig. 1 Drawing) associated with a user selected variable value feature (auto-detect selection/default value, first numeric value Col. 3 lines 9-19), (10 Fig. 1 Drawing)

(b) changing (i.e. override) the displayed first numeric value (64, Fig. 1 Drawing) associated with the selected variable value (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) feature by a predetermined numeric amount (i.e. auto detect selection) so as to display a second numeric value (62 Fig. 1 Drawing) associated with the selected variable value feature by a user engaging (i.e. selecting/choosing) a user activatable area of the user interface (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) associated with the selected variable value feature (override/changing Col. 3 lines 15-39)

(c) determining if the displayed second numeric value is an industry accepted standard value associated with the displayed second numeric value (letter, industry accepted standard value Col. 3 lines 55-62) and

(d) displaying an annotated corresponding to the industry accepted standard value along with the displayed second numeric value associated with the selected variable value feature when it is determined that the displayed second numeric value is an industry accepted standard value associated with the selected variable value feature, the annotated message expressing the industry accepted standard value associated with the displayed second numeric value in a non-numeric form (Letter, 64 Fig. 1 Drawing); Note: the annotated message "ledger" represents a size (i.e. numeric/industry accepted value) that is in non-numeric form (64, Fig. 1 Drawing) and

Frederiksen does not explicitly disclose (e) displaying no annotated message when it is determined that the displayed second numeric value associated with the selected variable value feature has no associated annotation message (Col. 3 lines 29-39). Note: It is understood by the examiner that displaying no annotated message means no annotated message is displayed when it is determined that the second numeric value has no associated annotated message. Frederiksen discloses two sections: a original section (28, Fig. 1 Drawing) wherein a letter size document can be selected (Col. 2 lines 60-62) wherein the annotated message "Letter" is shown (64, Fig. 1 Drawing) and a modify section (30 Fig. 1 Drawing) wherein the size of the block is displayed (Col. 3 lines 33 and 34) but does not appear to show an annotated message.

Marshall discloses to notice in the page shown in FIG. 3 is simply how heavily annotated the page is. There is little on the page that doesn't bear the reader's marks. This example also illustrates several stages of processing that must occur to detect the high-value annotations. First, the reader's marking style needs to be characterized. This allows the value of the annotations to be normalized. To normalize the value of the annotations, the frequency of the reader's marks within the context of the document and the page need to be determined and the types of marks the reader is prone to make should be identified. In particular, a determination should be made concerning whether the reader usually underlines, highlights, uses margin bars, writes symbols in the margin, and/or composes extensive marginalia. If a reader normally makes few marks on a document, any highlighted passage is likely to be high-value annotation. Alternatively, if a reader uses a highlighter on most pages, any single instance of

highlighting is not apt to be that important. Characterization of style allows weights to be assigned to individual annotations to assess the relative value of these annotations (Par. 0038).

It would have been obvious to one skilled in the art at the time of invention to combine the annotation determination as taught by Marshall with the facsimile numeric/image annotation of Frederiksen to effectively and efficiently display default values and non default values when selecting values.

(10) Response to Argument

Applicant has appeared to use the same arguments of claim 1 for claims 2-20.

A. Regarding claim 1, Applicant argues Frederiksen fails to disclose a first numeric value associated with a user selected variable value feature.

Examiner respectfully disagrees, Frederickson discloses numerical values which may be selected which are represented of a size features (i.e. numbered value feature) as disclosed in Fig. 3, (Col. 4 lines 1-20). Furthermore Frederiksen discloses the size of the copy image (i.e. a numeric value) is displayed in block 52. The size of the copy image may be enlarged by depressing enlarge button 54 or decreased by depressing reduce button 56 (Col. 3 lines 29-39)

Futhermore Applicant argues Frederiksen fails to teach or suggest changing the displayed first numeric value associated

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with the selected variable value feature by a predetermined numeric amount so as to display a second numeric value associated with the selected variable feature by a user engaging a user activable area of the user interface with the selected variable value.

Examiner disagrees, Frederiksen discloses **Frederiksen discloses** the size of the copy image (i.e. a numeric value) is displayed in block 52. The size of the copy image may be enlarged by depressing enlarge button 54 or decreased by depressing reduce button 56 which can be changed to another size (i.e. numeric value feature), (Col. 3 lines 29-39, Fig. 3). Furthermore Frederiksen discloses size values (i.e. a numeric value) which can be adjusted to a second size value (34, Fig. 2) wherein the size values are predetermined values.

Applicant argues Frederiksen nor Marshall fail to disclose an annotated message associated with the displayed second numeric value associated with the selected value feature.

Examiner respectfully disagrees, Frederiksen discloses an annotated message entitled Letter and Ledger and an instance where only the size value is displayed (Fig. 1), Frederiksen discloses an image which is a non numeric form of the size value (Col. 3 lines 29-Col. 4 line 20).

Applicant argues Marshall does not disclose no annotated messages when it is determined that the displayed second numeric value associated with selected message expresses information wherein the annotated message expresses information equivalent to the displayed second numeric value in a non numeric form,

Examiner respectfully disagrees, Frederiksen discloses size values which do not have an annotation once the first value and second value has been changed for the sizes (34, Fig. 1), Examiner recommends, Applicant clarify a numeric value in a non numeric form.

B. With respect to claim 2 and 13,

Frederiksen discloses a method wherein the selected variable value feature is a magnification function (enlarged, decreased Col. 3 lines 34-39)

C. With respect to claim 3 and 14, Frederiksen discloses a method wherein the selected variable value feature is a facsimile transmission function (Col. 3 lines 29-34)

D. With respect to claim 4, Frederiksen discloses a method wherein the selected variable value feature is a contrast function (Col. 3 lines 34-39).

E. With respect to claim 5, 9 and 17, Frederiksen discloses a method further comprising: (e) disabling the user activatable area of the user interface associated with the selected variable value feature for a predetermined period of time when it is determined that the displayed second numeric value associated with the selected

variable value feature has an associated annotation message so as to allow the user to become aware of the displayed annotated message (Col 3 lines 34-39) It is understood when a minimum and/or maximum value is reached the activatable area will be disabled causing the area to be inactive, since maximum and minimum values have no further boundaries.

F. With respect to claim 6, 12, 18-20, Frederiksen discloses a method further comprising: (e) determining whether the displayed second numeric value (36, Fig. 1 Drawing) associated with the selected variable value feature is a minimum value for the selected variable value feature (54, 56 Fig. 1 Drawing); (f) disabling a user activatable area of the user interface associated selected variable value feature (54,56 Fig. 1 Drawing) that enables the value of the selected variable value feature (54,56 Fig. 1 Drawing) to be decremented when it is determined that the displayed second numeric value associated with the selected variable value feature is a minimum value for the selected variable value feature (i.e. decreased by depressing the reduce button), (Col. 3 lines 34-37); (g) determining whether the displayed second numeric value (36, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) is a maximum value for the selected variable value feature (54, Fig. 1 Drawing); and (h) disabling a user activatable area of the user interface associated selected variable value feature that enables the value of the selected variable value feature to be incremented when it is determined that the displayed second numeric value associated with the selected variable value feature is a maximum value for the selected variable value feature (Col 3 lines 34-39).

G. With respect to claim 7, Frederiksen discloses a user interface for selecting and setting a variable value feature, having a plurality of values associated therewith wherein the plurality of values include a default value and a plurality of non-default values, comprising:

a display area to display a first numeric value (Letter, 64 Fig. 1 Drawing) associated with a user selected variable value feature (54,56 Fig. 1 Drawing);

a user activatable area (Fig. 1 Drawing) to change (i.e. override) the displayed first numeric value (Letter 64, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) by a predetermined numeric amount (i.e. auto detect selection) so as to display a second numeric value (Ledger, 64 Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing), (Col. 3 lines 9-19, 29-39);

a memory for storing a number of annotated messages, each annotated message (i.e. letter, 64 Fig. 1 Drawing) being associated (i.e. represents) a numeric value (i.e. size), (Col. 2 lines 60-63) of the user selected variable value feature (54, 56 Fig. 1 Drawing), the annotated message expressing information equivalent to the associated numeric value of the user selected variable value feature in a non-numeric form (Letter, 64, Fig. 1 Drawing); Note: "Letter" is displayed (i.e. non-numeric form) on the interface which represents the size (i.e. numeric value), (Col. 2 lines 60-63) and

a controller to determine if a stored annotated message is associated with the displayed second numeric value (Ledger, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing);

said controller causing said display area to display the annotated message (Ledger 64, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) along with the displayed second numeric value (i.e. size, 64 Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) when it is determined the displayed second numeric value (Ledger 64, Fig. 1 Drawing) associated with the selected variable value feature (54, 56 Fig. 1 Drawing) has an associated annotation message (Ledger 64, Fig. 1 Drawing); Note: Ledger is displayed on the interface which represents the size (i.e. numeric value).

Frederiksen does not explicitly disclose (e) displaying no annotated message when it is determined that the displayed second numeric value associated with the selected variable value feature has no associated annotation message (Col. 3 lines 29-39). Note: It is understood by the examiner that displaying no annotated message means no annotated message is displayed when it is determined that the second numeric value has no associated annotated message. Frederiksen discloses two sections: a original section (28, Fig. 1 Drawing) wherein a letter size document can be selected (Col. 2 lines 60-62) wherein the annotated message "Letter" is shown (64, Fig. 1 Drawing) and a modify section (30 Fig. 1 Drawing) wherein the size of the block is displayed (Col. 3 lines 33 and 34) but does not appear to show an annotated message.

Marshall discloses to notice in the page shown in FIG. 3 is simply how heavily annotated the page is. There is little on the page that doesn't bear the reader's marks. This example also illustrates several stages of processing that must occur to detect the high-value annotations. First, the reader's marking style needs to be characterized. This allows the value of the annotations to be normalized. To normalize the value of the annotations, the frequency of the reader's marks within the context of the document and the page need to be determined and the types of marks the reader is prone to make should be identified. In particular, a determination should be made concerning whether the reader usually underlines, highlights, uses margin bars, writes symbols in the margin, and/or composes extensive marginalia. If a reader normally makes few marks on a document, any highlighted passage is likely to be high-value annotation. Alternatively, if a reader uses a highlighter on most pages, any single instance of highlighting is not apt to be that important. Characterization of style allows weights to be assigned to individual annotations to assess the relative value of these annotations (Par. 0038).

H. With respect to claim 8, Frederiksen discloses a user interface wherein said user activatable area includes an up user activatable area to increment the displayed first numeric value associated with the selected variable value feature by a predetermined numeric amount (54/Fig. 1 Drawing) and a down user activatable area to decrement the displayed first numeric value associated with the selected variable value feature by a predetermined numeric amount (56/Fig. 1 Drawing)

With respect to claim 10,

Frederiksen discloses a user interface wherein said up user activatable area is a first push button (54/Fig. 1 Drawing) and said down user activatable area is a second push button (56/Fig. 1 Drawing)

I. With respect to claim 11, Frederiksen discloses a user interface as claimed in claim 8, wherein said up user activatable area (54/Fig. 1 Drawing) is a first area on a touch screen and said down user activatable area (56/Fig. 1 Drawing) is a second area on a touch screen (touch screen/graphical icon system 10 Fig 1. Drawing).

J. Regarding claim 16, Frederiksen discloses a method of setting a variable value feature, having a plurality of values associated therewith wherein the plurality of values include a default value and a plurality of non-default values (Col. 2 lines 54 and 55), on a user interface, the user interface having user activatable areas (10/Fig. 1) enabling a selection and changing of the variable value feature (document size selector), (Col. 3 lines 15-18, Frederiksen Claim 14) comprising: (a) displaying, on the user interface, a first numeric value (64 Fig. 1 Drawing) associated with a user selected variable value feature (auto-detect selection/default value, first numeric value Col. 3 lines 9-19), (10 Fig. 1 Drawing)

(b) changing (i.e. override) the displayed first numeric value (64, Fig. 1 Drawing) associated with the selected variable value (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) feature by a predetermined numeric amount (i.e. auto detect selection) so as to display a second numeric value (62 Fig. 1 Drawing) associated with the selected variable value feature by a user engaging (i.e. selecting/choosing) a user activatable area of the user

interface (Col. 3 lines 9-19, 54/56 Fig. 1 Drawing) associated with the selected variable value feature (override/changing Col. 3 lines 15-39)

(c) determining if the displayed second numeric value is an industry accepted standard value associated with the displayed second numeric value (letter, industry accepted standard value Col. 3 lines 55-62) and

(d) displaying an annotated corresponding to the industry accepted standard value along with the displayed second numeric value associated with the selected variable value feature when it is determined that the displayed second numeric value is an industry accepted standard value associated with the selected variable value feature, the annotated message expressing the industry accepted standard value associated with the displayed second numeric value in a non-numeric form (Letter, 64 Fig. 1 Drawing); Note: the annotated message “ledger” represents a size (i.e. numeric/industry accepted value) that is in non-numeric form (64, Fig. 1 Drawing) and

Frederiksen does not explicitly disclose (e) displaying no annotated message when it is determined that the displayed second numeric value associated with the selected variable value feature has no associated annotation message (Col. 3 lines 29-39). Note: It is understood by the examiner that displaying no annotated message means no annotated message is displayed when it is determined that the second numeric value has no associated annotated message. Frederiksen discloses two sections: a original section (28, Fig. 1 Drawing) wherein a letter size document can be selected (Col. 2 lines 60-62) wherein the annotated message “Letter” is shown (64, Fig.

1 Drawing) and a modify section (30 Fig. 1 Drawing) wherein the size of the block is displayed (Col. 3 lines 33 and 34) but does not appear to show an annotated message.

Marshall discloses to notice in the page shown in FIG. 3 is simply how heavily annotated the page is. There is little on the page that doesn't bear the reader's marks. This example also illustrates several stages of processing that must occur to detect the high-value annotations. First, the reader's marking style needs to be characterized. This allows the value of the annotations to be normalized. To normalize the value of the annotations, the frequency of the reader's marks within the context of the document and the page need to be determined and the types of marks the reader is prone to make should be identified. In particular, a determination should be made concerning whether the reader usually underlines, highlights, uses margin bars, writes symbols in the margin, and/or composes extensive marginalia. If a reader normally makes few marks on a document, any highlighted passage is likely to be high-value annotation. Alternatively, if a reader uses a highlighter on most pages, any single instance of highlighting is not apt to be that important. Characterization of style allows weights to be assigned to individual annotations to assess the relative value of these annotations (Par. 0038).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

BRANDON PARKER

Examiner, Art Unit 2174

Conferees:

/William L. Bashore/

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